

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00775

CAROLINA TRACTOR AND EQUIPMENT)
COMPANY,)
)
Plaintiff,)
)
v.)
)
COASTAL TRANSPORTATION SERVICES,)
INC. and TW3 TRANSPORTATION, LLC,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court upon Plaintiff's Motion to Voluntarily Dismiss Counts II and III of Its Verified Complaint. (Doc. No. 7). Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff moves to voluntarily dismiss without prejudice its Second and Third Claims for Relief against both Defendants and its claims for attorneys' fees against TW3 Transportation, LLC only.

The Court, having reviewed and considered the motion, finds and concludes that counsel for Defendants do not object to this motion and that granting the motion will resolve TW3 Transportation, LLC's Partial Motion to Dismiss Plaintiff's Complaint (Doc. No. 3) and otherwise be in the best interest of the parties at this stage of the proceedings. The Court further finds and concludes that granting Plaintiff's Motion will not prejudice Plaintiff's right to amend its Complaint in accordance with the Federal Rules of Civil Procedure and other applicable law.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Voluntarily Dismiss Counts II and III of Its Verified Complaint (Doc. No. 7) is GRANTED. Plaintiff's Second and Third Claims

for Relief are hereby dismissed without prejudice against both Defendants, and Plaintiff's claim for attorneys' fees is hereby dismissed without prejudice against TW3 Transportation, LLC only.

IT IS FURTHER ORDERED that TW3 Transportation, LLC's Partial Motion to Dismiss Plaintiff's Complaint (Doc. No. 3) is dismissed as moot.

IT IS SO ORDERED.

Signed: November 28, 2016



Frank D. Whitney
Chief United States District Judge

